

**REMARKS**

Claims 1-3, 6-16 are pending in the application; claims 4-5 are canceled; claim 16 is being added.

**Rejection under 35 U.S.C. 102**

Claims 1-15 stand rejected under 35 U.S.C. 102(b) as being anticipated by *Harrison* (US 4,549,349).

Claim 1 has been amended by including the features of claims 4 and 5. Claim 1 as amended claims a cutting device for rod-shaped workpieces. The cutting device comprises two actuating levers each comprised of a two-arm pivot lever, wherein the two-arm pivot levers comprise a first arm as an actuator and a second arm having a shearing edge. The actuators move the shearing edges relative to one another. The second arms comprise separate cutting inserts, wherein the shearing edges are arranged on the cutting inserts, and wherein the cutting inserts are detachably fastened to the second arms, respectively.

*Harrison* discloses two arm levers comprised of a cutter blade (second arm) 18, 19 and a connecting link (first arm or actuator) 21, 22 that are pivotably connected by a pivot pin 24, respectively. The cutter blades (second arms) 18, 19 have integrally formed cutting edges 25. The cutting edges 25 are not detachably fastened on the cutting blades 18, 19 but are formed by grinding the cutter blade (see col. 2, lines 40-42). Separate cutting inserts that are detachably fastened on the second arm are not disclosed in *Harrison*.

*Harrison* also does not provide any motivation or suggestion to provide separate cutting inserts.

Claims 1-15 therefore are not anticipated by or obvious in view of *Harrison*.

Reconsideration and withdrawal of the rejection of the claims pursuant to 35 USC 102 are therefore respectfully requested.

**NEW CLAIM 16**

Claim 16 relates to a cutting device for rod-shaped workpieces wherein the cutting device comprises two actuating levers each comprised of a two-arm pivot lever. The two-arm pivot levers each comprise a first arm as an actuator and a second arm having a shearing edge, wherein the actuators move the shearing edges relative to one another. The actuators each have an inner side facing one another, wherein the inner sides each

- 4 -

12/15/05: Amd for Ser. No. 10/708,678 - Inventor(s): R. Wagner - Filing Date: 3/18/2004

have a slanted surface. Brackets are positioned between the actuators, wherein the brackets are adapted to connect the cutting device to a drive device. The converging slanted surfaces cause the actuators to be pushed apart when pressure rolls of a drive device roll on the slanted surfaces toward the second arms when the drive device is actuated so that the shearing edges move toward one another to perform a cut.

The specification discloses in paragraphs 0014 and 0021 the slanted surfaces 18, 19 and the brackets 17 for connecting a drive unit to the device. The operation of the device in connection with the drive unit is explained also in these paragraphs. Fig. 1 shows the slanted surfaces 18 and 19 converging toward the second arms.

*Harrison* does not show slanted surfaces on the actuators that converge toward the second arms and that, when acted upon by pressure rolls of a drive unit, force the actuators apart to move the cutting edges toward one another.

Claim 16 is therefore believed to be allowable over *Harrison*.


#### **CONCLUSION**

In view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Should the Examiner have any further objections or suggestions, the undersigned would appreciate a phone call or e-mail from the examiner to discuss appropriate amendments to place the application into condition for allowance.

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on December 15, 2005,

  
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- 5 -

12/15/05: Amd for Ser. No. 10/708,678 - Inventor(s): R. Wagner - Filing Date: 3/18/2004